

JPW

S&H Form: (10/03)

REPLY/AMENDMENT FEE TRANSMITTAL	Attorney Docket No.	1594.1227	
	Application Number	10/632,802	
	Filing Date	August 4, 2003	
	First Named Inventor	Jong-Chull SHON, et al.	
	Group Art Unit	3742	
AMOUNT ENCLOSED	0.00	Examiner Name	Philip H. Leung

FEE CALCULATION (fees effective 10/01/03)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	35	- 35 =	0	X \$ 18.00 =	\$ 0.00
INDEPENDENT CLAIMS	19	- 19 =	0	X \$ 86.00 =	0.00

Since an Official Action set an original due date of October 3, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$420); 3 months (\$950); 4 months (\$1,480); 5 months (\$2,010)):

If Notice of Appeal is enclosed, add (\$330.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.

19-3935

Deposit Account Name

STAAS & HALSEY LLP

- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Darleen J. Stockley	Reg. No.	34,257
Signature		Date	September 20, 2004

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Docket No.: 1594.1227

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jong-Chull SHON et al.

Serial No. 10/632,802

Group Art Unit: 3742

Confirmation No. 7463

Filed: August 4, 2003

Examiner: Leung, Philip H.

For: MAGNETRON, AND MICROWAVE OVEN AND HIGH FREQUENCY HEATING
APPARATUS EACH EQUIPPED WITH THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed September 3, 2004, having a shortened period for response set to expire on October 3, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I (claims 1-8, 11-20, 22-29, and 32-35)** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II (claims 9, 10, 21, 30, and 31) is concerned, it is believed that claims 9, 10, 21, 30, and 31 are so closely related to elected claims 1-8, 11-20, 22-29, and 32-35 that they should remain in the same application. The elected claims 1-8, 11-20, 22-29, and 32-35 are directed to a magnetron, a microwave oven, and a high frequency heating apparatus of FIGs. 3-8 and claims 9, 10, 21, 30, and 31 are drawn to a magnetron, a microwave oven, and a high frequency heating apparatus of FIG. 9. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method

claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the magnetron, microwave oven, and high frequency heating apparatus of FIG. 9 recited by the Group II claims (claims 9, 10, 21, 30, and 31) are directed to a magnetron, a microwave oven, and a high frequency heating apparatus in which a permanent magnet is provided below an anode, and elected claims 1-8, 11-20, 22-29, and 32-35 are directed to a magnetron, a microwave oven, and a high frequency heating apparatus of FIGs. 3-8 in which a permanent magnet is provided above an anode, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

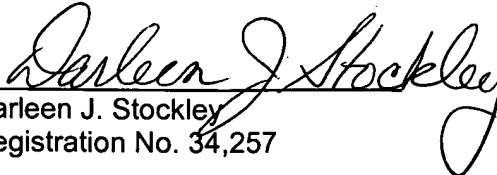
In view of the foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 20, 2004 By: 
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